G. R. S. IX-5]

Previous references. 1891-1892 ~~191~~ (L. R.)

File No. 92

Serial Nos. 1, 15, 18, 21 and 23.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1, 15, 18, 21 and 23.

Part B for August 1893.

SUBJECT.

Instructions for the acquisition of lands for the Government & municipal purposes.

Countersigned

Secretary

Endorsed

Undersecretary

W D 88—GPB—50,000—24-7-16

(1)

Govt Pos
9 - 11

1

Cases having come to the notice of Govt in which lands have been acquired for Govt without the previous sanction of Govt & in which a previous settlement of the price that was to be paid if Govt resolves to issue the following instructions for the guidance of all officers concerned —

2 No land should be acquired by any Dept except through the Dy Comr of the Dt —

3. When a municipality or any dept of Govt wishes to acquire land for any public purpose it should

Ld 2594-601/24
of 16-5-92
1

Draft Mem for the approval of the Board
CS
13/6/92

4

1
L.21

be ~~taken~~ resorted
to only in cases in
which there is not the
slightest doubt about
the title of the owner
with whom the Dy Comr
proposes to deal.—

6. ~~Where~~ Dy Comrs
should under no
circumstances ~~enter~~
take possession of
the land, before the
price is settled or
the provisions of the
Land acquisition Act are
put in force.—

Office
Make out a
fair draft
for Pres
16/5

7. Dy Comrs should
submit an area &
statement of lands, ~~which may~~
already acquired
without the previous
sanction of Govt ~~& which~~
settle their valuations
as soon as possible.—

but which has not yet been paid for

13/5/92

14.5.92

or under the Land
acquisition Act on
the Receipt of the order
of Govt thereon, he
may proceed to
acquire the land.—

4. If the Dy Comr
considers that the
land required cannot
~~be~~ had for the same
purpose by the Debt
acquiring the land
he shall intimate
the same to the Debt
concerned & await
its ~~orders~~ further instructions
in the matter

5. As a rule, all lands
required ~~by~~ for Govt
purposes shall be
acquired under
the Land acquisition
Act & private
negotiation should

intimate to the Dy Const
the situation & area of
the land required, the
purpose for which it
is required, & the cost
thereof prepared to
pay & on the receipt
of the information
the Dy Const shall
make the necessary
enquiries & if he
considers that the
land could be acquired
for the sum
named he shall
submit the matter
for the orders of Govt
stating the
details as regards the description, boundaries &
area of the land
required, & the amount at
which he values the cost &
state whether he proposes
to acquire by
private negotiation

28
2

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 14th May 1892.

No. 2594-601—Cir. 24, DATED BANGALORE, 14TH MAY 1892.

ORDER.—Cases having come to the notice of Government in which lands have been acquired for Government without the previous sanction of Government, and without a previous settlement of the price that has to be paid, the Government resolve to issue the following instructions for the guidance of all officers concerned.

2. No land should be acquired by any Department except through the Deputy Commissioner of the District.

3. When a Municipality, or any Department of Government wishes to acquire land for any public purpose, it should intimate to the Deputy Commissioner the situation and area of the land required, the purpose for which it is required, and the cost it is prepared to pay. On the receipt of this intimation, the Deputy Commissioner should make the necessary enquiries, and if ~~he considers that the land could be acquired within the sum named~~, he should submit the matter for the orders of Government, with full details as regards the description, boundries and area of the land required, and the amount it is likely to cost, and state whether he proposes to acquire it by private negotiation, or under the Land Acquisition Act. On the receipt of the orders of Government thereon, he may proceed to acquire the land.

4. If the Deputy Commissioner considers that the land required cannot be had for the sum named by the Department requiring the land, he should intimate the same to the Department concerned, and await its further wishes in the matter.

5. As a rule, all lands required for Government purposes should be acquired under the Land Acquisition Act, and private negotiation should be resorted to only in cases in which there is not the slightest doubt about the title of the owner with whom the Deputy Commissioner purposes to deal.

6. Deputy Commissioners should under no circumstances take possession of the land before its price is settled or the provisions of the Land Acquisition Act are put in force.

7. Deputy Commissioners should submit at once a statement of lands, already acquired without the previous sanction of Government but which has not yet been paid for. They should settle their valuation, as soon as possible.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioners of Districts.

Exd.—A.N.S.

6

1892.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS

Dated 14*th May* 1892.

No. 2594-601.
Cir. 24.

3 If Institution price DC. Considers necessary is how it accepted by requisitions quoting & if DC writes out the price in force he must refer matter for orders of Govt by

Issuing instructions for the acquisition of land for Government or Municipal purposes.

Mysore Govt. C. Press, Bangalore.—31-5-92—150.

Sir

Rec'd [illegible]

[illegible]

Submitted.

22/3/93

22/3/93

Mounted for
the Chief Secretary
for orders

The Dept: Concerned
is required to intimate
what Proportion the Cost
of it is prepared to pay
for the land. This
is necessary to enable
the Dewan or the Chief
Rev: Officer the District
to fix the value of
the land, especially
when he wants to
acquire it by private
negotiation. Where
appears to be no Con-
tradiction

22/3/93

Read 16/3

10427
16 MAR
R 2594

1893

MYSORE P. W. DEPARTMENT.

No. 1082.

From

The Chief Engineer
of Mysore.

To *The Chief Secretary*
to the Dewan of Mysore

Dated Bangalore 14th March 1893.

Despatched

Enclosure No. one

SUBJECT.

Requesting to move the Government to expunge from the Proceedings, removing the contradiction pointed out, and to allow Revenue Officers to fix the valuation of lands

Rec. Mrs
16/3

Mysore Govt. C. P. Bangalore.—10-9-92—1,000.

(28)

MYSORE P. W. DEPARTMENT

No. 1082.

CENTRAL OFFICE,

Bangalore, 14th March 1893.

From

The Chief Engineer of Mysore,
Bangalore.

To

The Chief Secretary
to the Dewan of Mysore.

SIR,

With reference to Government Proceedings No 2594-601 dated 14th May 1892 (copy of which has been obtained on requisition from your office, as it was not officially communicated to this Department), I have the honor to point out that the order in para 3- viz "that the Department desiring to acquire land for public purposes should intimate to the Deputy Commissioner the valuation, or price it is prepared to pay for the same" contradicts the ruling in the P.W. Code (Chapter IX, para 20), which requires the Chief Revenue Officer of the District to fix the value of the land, and the P.W. Officer to frame his estimate upon such valuation.

II. Moreover, it does not seem to me to be possible or necessary for the P.W. Department to

to fix the valuation of land in such cases, nor is this done anywhere else in India, so far as I am aware.

III. I must therefore request that you will be so good as to move the Government to expunge from the Proceedings, the words marked with red pencil in the enclosed copy, which would remove the contradiction pointed out, and allow of Revenue Officers fixing the valuation of lands, as they had always previously done. ——

IV I may mention that, acting on the orders in the Proceedings quoted, the Deputy Commissioner of Mysore District has refused to comply with a requisition from the "Sanitary Engineer with the Government" to value the land required for the extension of the North and South road of Chamarajapura to meet the Manantoddy Road, ordered by the Dewan in June 1892 - The acquisition of the land is therefore still in abeyance.

I have the honor to be
Sir
Your most obedient Servant

W. D. Hudleston

For. Chief Engineer
of Mysore P. W. D.

Chs

15135

R 3726

1892-93

MYSORE P. W. DEPARTMENT.

No. 2713

From

The Chief Engineer
of Mysore.

To The Chief Secretary
to the Dewan of Mysore

Dated Bangalore 26th June 1893.

Despatched

Enclosure No.

SUBJECT.

Requesting to obtain the early orders of Government on the subject of Revenue officers fixing the valuation of lands required for public purposes.

Rev. Mysore
22/6

Extract of the Ruling in the MD Code Chapter IX para 20 Shobe Number These papers be got up done by a clerk personally tomorrow
26/7

Mysore Govt. C. P. Bangalore.—10-9-92—1,000.

(2 3/5)

MYSORE P. W. DEPARTMENT

No. 2713

CENTRAL OFFICE,

Bangalore, 20th June 1893.

From W. McHutchin Esquire

Offg Chief Engineer of Mysore,

Bangalore.

To

The Chief Secretary

to the Dewan of Mysore.

SIR,

I have the honor to invite your attention to this Office No. 1082 dated 14th March 1893, and to request that you will be so good as to obtain the early approval of Government of the modification therein suggested, in Government Proceedings No. 2594-601 dated 14th May 1892, to allow of Revenue Officers fixing the valuation of lands required for

for public purposes, as they had always previously done. The Sanitary Engineer with the Government reports that owing to non-receipt of orders on this subject, the preparation of Estimates for roads ordered by the Dewan is delayed. ——

I have the honorable,
Sir,
Your most obed. Servt

W. W. Hutchinson

Offg. Chief Engineer
of Improvements

Encd
Cds

(31)

925

1893/94 R22

MYSORE P. W. DEPARTMENT.

No. 3248

From

The ~~Superintending~~ Chief Engineer of Mysore.

To The Chief Secretary to the Dewan of Mysore.

Dated Bangalore 22nd July 1893.

Despatched

Enclosure No.

Subject.

This Office No. 1082 dated 14th March 1893, requesting to obtain the Approval of Government to allow of Revenue Officers fixing the valuation of lands required for public purposes.

Reminder No. 2413 dated 20th June 1893.

Has the honor to request the favor of early orders being passed on above references - the Sanitary Engineer with the Government of

Rec'd 24

To Mr. Ram Rao

Please see that this Ref: is disposed of on Monday. MM 22/7

of Mysore having again reported that the preparation of Estimates for roads ordered by the Dewan is being delayed.—

J. Mw. Campbell Lieut. Colonel R.E.
Chief Engineer of Mysore.—

Ed
C.Ds

necessary enquiries. If the probable price which the Deputy Commissioner considers it necessary to pay is accepted by the requisitioning authority and if the Deputy Commr wishes to put the Land Acquisition Act in force, he shall report the matter for the orders of Government, with full details as regards the description, boundaries and area of the land required, and the amount it is likely to cost.

V On the receipt of the orders of Govt thereon

thereon, he may proceed to acquire the land.

VI. If the Deputy Commissioner considers that the land required cannot be had within the limit, if any, fixed by the requisitioning authority, he should intimate the same to the Department concerned and await its further wishes in the matter.

VII. As a rule, all lands required for Government purposes should

should be acquired under the Land Acquisition Act, and private negotiation should be resorted to only in cases in which there is not the slightest doubt about the title of the owner with whom the Deputy Commissioner purposes to deal

VIII. Deputy Commrs. should, under no circumstances, take possession of the land before its price is settled or the provisions of the Land Acquisition Act are put in force.

IX. Deputy Commis-
sioners should report
~~submit~~ Government particulars
~~at once a statement~~
of lands ~~already~~ acquired
without the previous sanc-
tion of Government and
without payment
~~which have not yet~~
~~been paid for. They~~
~~should settle their value~~
~~as soon as possible.~~

Chief Secy

To. The Chief Engineer with Copy of Govt No. 3248 of 22nd July 73

The Deputy Commissioners
of Districts

Memo.
Issue as per to Chief Engr
attached

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 20th August 1893.

No. 3752-60—R. 416, DATED, BANGALORE, 20TH AUGUST 1893.

ORDER.—The following instructions are issued in supersession of those contained in Government Proceedings No. 2594-601—Cir. 24, dated 14th May 1892:—

I. No land should be acquired by any Department, except through the Deputy Commissioner of the District in which it is situated.

II. When a Municipality or any Department of Government wishes to acquire land for any public purpose, it shall send a requisition to that effect to the Deputy Commissioner intimating the situation and area of the land required and the purpose for which it is required.

III. The requisition may include a limit of price, if the requisitioning authority considers it necessary to fix one.

IV. On the receipt of this intimation, the Deputy Commissioner should make the necessary enquiries. If the probable price which the Deputy Commissioner considers it necessary to pay, is accepted by the requisitioning authority and if the Deputy Commissioner wishes to put the Land Acquisition Act in force, he shall report the matter for the orders of Government, with full details as regards the description, boundaries and area of the land required, and the amount it is likely to cost.

V. On the receipt of the orders of Government thereon, he may proceed to acquire the land.

VI. If the Deputy Commissioner considers that the land required cannot be had within the limit, if any, fixed by the requisitioning authority, he should intimate the same to the Department concerned and await its further wishes in the matter.

VII. As a rule, all lands required for Government purposes should be acquired under the Land Acquisition Act, and private negotiation should be resorted to only in cases in which there is not the slightest doubt about the title of the owner with whom the Deputy Commissioner purposes to deal.

VIII. Deputy Commissioners should, under no circumstances, take possession of the land before its price is settled or the provisions of the Land Acquisition Act are put in force.

IX. Deputy Commissioners should report to Government particulars of lands acquired without the previous sanction of Government and without payment.

T. ANANDA ROW,
Chief Secretary.

To—The Chief Engineer in Mysore with reference to his No. 3248, dated 22nd July 1893.
The Deputy Commissioners of Districts.

Exd.—K.S.

1893.

GOVERNMENT OF MYSORE

REVENUE.

PROCEEDINGS.

Dated 20th August 1893.

No. 3752-60.
R. 416.

Issuing instructions on the subject of acquiring land for Government or Municipal purposes, in supersession of those contained in Government Order No. 2594-601—Cir. 24, dated 14th May 1892.

Mysore Govt. C. Press, Bangalore.—1-9-93.—120.